

EX

Notice of Allowability	Application No.	Applicant(s)	
	10/781,035	ELDRIDGE ET AL.	
	Examiner	Art Unit	
	Tu-Tu Ho	2818	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 01/09/2006.
2. ☒ The allowed claim(s) is/are 1-71.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |


 Tu-Tu Ho Jan. 19, 2006

DETAILED ACTION

1. Applicant's Amendment filed 01/09/2006 has been reviewed and placed of record in the file.

Terminal Disclaimer

2. The terminal disclaimer filed on 09/27/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any U.S. Patent granted on U.S. Patent Application Number 10/177,096 has been reviewed and is accepted. The terminal disclaimer has been recorded.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below (the amendment was already recorded on 05/12/2005).

Specification, page 25, line 9, "Figure A" was changed to:

"Table A"

Authorization for this examiner's amendment was given in a telephone interview with Attorney of record Marvin L. Beekman on May 10, 2005.

Allowable Subject Matter

4. Claims 1-71 are allowable over the prior art of record.

The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach or render obvious a device having all exclusive limitations as recited in claims 1, 4, 11, 15, 17, 22, 26, 30, 34, 38, 42, 48, 54, 57, 60, 63, 66, and 69, comprising a pair of source/drain regions sandwiching a channel region; a floating gate (FG); an intergate insulating layer (IGI); and a control gate; the intergate insulating layer having component oxides including at least one metal oxide having varied concentrations to provide a composition gradient, either the component gradient being across the thickness of the intergate insulating layer or the varied concentrations providing different barrier heights with respect to the floating gate and the control gate; and either: the FG includes a polysilicon FG and a metal layer positioned between the FG and the IGI, the metal layer includes a metal corresponds to a metal of the metal oxide, or: the IGI barrier height being lower at the FG and being higher at the CG to increase electron tunneling from the FG to the CG.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu-Tu Ho whose telephone number is (571) 272-1778. The examiner can normally be reached on 6:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID NELMS can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'TTH' or 'Tu-Tu Ho', with a horizontal line underneath.

Tu-Tu Ho
January 19, 2006